

PATENT

Atty Docket No.: 200312974-1
App. Scr. No.: 10/697,686

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REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks.

Claims 1, 9-11, 13, 16, 18, 22, 24, and 26 have been amended. Claims 6, 14, 20, 21 were previously canceled without prejudice or disclaimer of the subject matter contained therein. Claims 1-5, 7-13, 15-19, and 22-30 remain pending, of which claims 1, 9, 22, 24, and 26 are independent.

Claims 22 and 23 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Tanaka et al. (6,011,483).

Claims 1, 2, 9, 10, 16-19, and 24-29 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tanaka et al. in view of Jenson et al. (6,906,436).

Claims 3-5, 8, 11-13, and 30 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tanaka et al. in view of Staarman (5,179,337).

Claims 7 and 15 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tanaka et al. in view of Jenson et al., Staarman, and further in view of Johnson (6,927,555).

The aforementioned objections and rejections are traversed for at least the following reasons.

Telephonic Interview Dated April 25, 2007

The undersigned thanks the Examiner for extending his courtesy in the telephonic interview dated April 25, 2007. Proposed amendment to the independent Claims 1, 9, 22, 24, and 26 were discussed in light of the references of record, particular Tanaka et al. and Jenson

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et al. The Examiner agreed that the proposed amendment, as formalized above, appears to overcome the references of record, as stated in the Interview Summary dated April 25, 2007.

Clarification

In the FOA dated January 6, 2007, the Examiner indicated that previously amended Claims 1, 9, 24, and 26 include "new matter." It is believed that the Examiner meant to indicate that these claims include additional features and not "new matter". It is respectfully submitted that no new matter has been added in the previous response or the present RCE filing.

Claim Rejections Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

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Claims 22 and 23 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Tanaka et al.

As discussed in the telephonic interview, Claim 22 has been amended to recite that "subsequent to a removal of the externally applied magnetic field" there is provided a signal from the device that "directs the power control circuit to maintain the connection" between the power source and the device.

In contrast, Tanaka et al. states in col. 3, ll. 21-27:

When the ID card unit 30 completes the radio signal transmission operation, the control section 5 recognizes the completion of transmission and other control operations, and controls the magnetic field detection section 3 or directly controls the main switch section 2 to switch the main switch 2 to the OFF state, thereby powering off the entire ID card unit 30.

Thus, at most Tanaka et al. shows a signal that provides a function (turning switch to OFF state) opposite to the function (turning switch to ON to maintain connection to power source) of the claimed signal from the device, wherein such a signal is actually generated from the externally applied magnetic field.

Accordingly, because Tanaka et al. fails to disclose each and element of Claim 22 and dependent Claim 23, it is respectfully submitted that Claims 22 and 23 are allowable over the references of record.

Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference

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or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1, 2, 9, 10, 16-19, and 24-29 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tanaka et al. in view of Jenson et al. (6,906,436).

Claims 3-5, 8, 11-13, and 30 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tanaka et al. in view of Staarman (5,179,337).

Claims 7 and 15 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tanaka et al. in view of Jenson et al., Staarman, and further in view of Johnson (6,927,555).

Independent Claims 1, 9, 24, and 26

As discussed in the telephonic interview, Claim 1 has been amended to include a signal that directs the power control circuit to maintain the connection of the power source to the circuit, and without such a signal and the external magnetic field, the connection is severed after the removal of the externally applied magnetic field. As noted earlier, Tanaka et al. does not provide a signal that can maintain the connection of the power source to the circuit, and subsequent to the removal of the externally applied magnetic field the connection is severed if there not such a signal.

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As discussed in the telephonic interview, Claim 9 provides a passive tag for receiving external magnetic field that is separate from the circuitry that is powered by the power source. Therefore, Tanaka et al. cannot be applied to indicate that the passive tag is part of a device being powered and a control signal from the passive tag is the same as a control signal from the device.

As discussed in the telephonic interview, Claims 24 and 26 include amended language that is similar to the amended language found in Claim 25. Thus, Claims 24 and 26 are allowable over Tanaka et al. for at least the reasons set forth above.

It is respectfully submitted that the FOA does not rely upon Jenson et al., Staarman, or Johnson to make up for the deficiencies in Tanaka et al. with respect to Claims 1, 9, 24, and 26. Accordingly, the Office Action has not established a *prima facie* case of obviousness against Claims 1-5, 7-13, 15-19, and 24-30. Therefore, withdrawal of the rejection of these claims and their allowance are respectfully requested.

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Conclusion

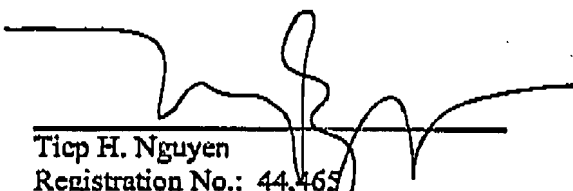
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: April 26, 2007

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